

Senate File 2326

S-5033

1 Amend Senate File 2326 as follows:

2 1. Page 1, line 5, after <state> by inserting <,>

3 2. Page 1, line 6, by striking <department.> and inserting
4 <department, against commercial motor vehicles, subject to the
5 limitations set forth in subsection 1A, and to enforce the laws
6 of the state against noncommercial motor vehicles as described
7 in subsection 1B.>

8 3. Page 1, line 10, by striking <all laws of this state> and
9 inserting <all such laws ~~of this state~~>

10 4. Page 1, line 13, by striking <subsection> and inserting
11 <subsections>

12 5. Page 1, before line 14 by inserting:

13 NEW SUBSECTION. 1A. An employee designated as a peace
14 officer pursuant to this section, when performing a traffic
15 stop of a commercial motor vehicle for a speeding violation,
16 shall do one of the following:

17 a. For a speeding violation of ten miles per hour or less
18 over the legal speed limit, the employee shall not issue a
19 citation for the violation unless the person was operating the
20 commercial motor vehicle in an erratic manner.

21 b. For a speeding violation of more than ten miles per
22 hour but less than sixteen miles per hour over the legal speed
23 limit, the employee shall issue a citation for the violation,
24 but may use the employee's discretion to issue a citation for a
25 violation of ten miles per hour over the legal speed limit.

26 c. For a speeding violation of sixteen miles per hour or
27 more over the legal speed limit, the employee shall issue a
28 citation for the violation.

29 NEW SUBSECTION. 1B. An employee designated as a peace
30 officer pursuant to this section shall not perform a traffic
31 stop of a noncommercial motor vehicle unless the vehicle poses
32 an imminent danger to the public or unless the stop is a
33 result of a request for assistance by a law enforcement agency
34 or peace officer with authority to stop noncommercial motor
35 vehicles. For purposes of this subsection, "*imminent danger*

1 *to the public*" includes but is not limited to a motor vehicle
2 operating twenty-five miles per hour or more over the legal
3 speed limit or operating in an erratic manner such as weaving
4 in and out of traffic at high speeds or swerving across the
5 traveled portion of the roadway.>
6 6. By renumbering as necessary.

JEFF DANIELSON